

ANALYSIS

This ordinance adds Chapters 19, 21, and 23 to the Flood Control District Code of the Los Angeles County Flood Control District ("District").

- Chapter 19 contains rules and regulations relating to the entry upon, occupancy and use of District property by private parties and the general public.
- Chapter 21 contains rules and regulations relating to the discharge of stormwater and other flows to the District's storm drain system and other facilities.
- Chapter 23 contains rules, regulations and alternate remedies relating to the enforcement of the provisions of Chapters 19 and 21, including the imposition of administrative fines for the violation of the District's rules and regulations.

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MTY:jjj

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ORDINANCE NO. _____

An ordinance adding Chapters 19, 21, and 23 to the Los Angeles County Flood Control District Code relating to rules and regulations applicable to the use of, and the discharge of stormwater and other flows to, the property and facilities of the Los Angeles County Flood Control District, and enforcement of the provisions of the Code, including administrative fines and other remedies for violations thereof.

The Board of Supervisors of the Los Angeles County Flood Control District ordains as follows:

SECTION 1. Chapter 19 is hereby added to the Los Angeles County Flood Control District Code to read as follows:

Chapter 19

**USE OF DISTRICT PROPERTY AND FACILITIES BY MEMBERS OF
THE PUBLIC**

Sections:

19.01 Purpose and Intent.

19.03 Definitions.

19.05 Entering, Occupying or Using Property Prohibited Without Express

Authorization - Terms and Conditions of Permit.

19.07 Interference With or Placing Obstructions, Refuse, and

Contaminating Substances in Facilities Prohibited.

19.09 Liability Limitations.

19.11 Violation a Public Nuisance.

19.01 Purpose and Intent.

The purpose of this Chapter 19 is to clarify the rules and regulations that are applicable to the entry, occupancy and use of the property and facilities of the Los Angeles County Flood Control District by private parties and by members of the public generally. These rules and regulations are intended to apply to all property, easements and facilities owned by the Los Angeles County Flood Control District, whether located within the unincorporated territory of the County of Los Angeles, within the boundaries of any city, or elsewhere.

19.03 Definitions.

The definitions set forth in Section 21.03 of Chapter 21 of this code shall apply to this Chapter 19. In addition, the following definition shall apply to this Chapter 19:

A. "Invasive species" means any species of plant, fish or animal that is non-native to the ecosystem under consideration and, if introduced into that ecosystem, would cause or be likely to cause economic or environmental harm or harm to human health as determined by the Chief Engineer.

19.05 Entering, Occupying or Using Property Prohibited Without Express Authorization.

A. Except as expressly authorized by signs posted by the District, a written permit issued by the Chief Engineer, or a written agreement with the District, no person shall enter upon, occupy or use in any manner, any property or facility owned by the District, including without limitation, any channel, reservoir, basin, spreading ground,

levee or sediment placement site, or any property in which the District has an easement or fee title.

B. Application for a permit or agreement shall be made to the Chief Engineer and shall include the particular activity proposed, the purpose and duration thereof, and any other information requested by the Chief Engineer. The Chief Engineer may issue the permit or enter into the agreement if he or she determines that the proposed activity, purpose and duration will not interfere or be inconsistent with the District's uses and purposes, and provided the compensation for such permit or agreement, if any, does not exceed five thousand dollars (\$5,000.00) per month and the term of the permit or agreement is non-renewable and does not exceed ten (10) years. The Chief Engineer may impose such additional terms and conditions in the permit or agreement as he or she deems necessary to provide for the protection and proper operation and maintenance of the property or facility for the District's uses and purposes and compliance with local, State and federal laws, rules and regulations.

C. Subsection A shall not apply to activities undertaken by District employees and contractors, peace officers and fire fighters in the course of their official duties. Such persons shall, however, comply with the District's rules and policies regarding such activities.

19.07 Interference With or Placing Obstructions, Refuse, Contaminating Substances, or Invasive Species in Facilities Prohibited.

A. Except as expressly authorized by a written permit issued by the Chief Engineer or a written agreement with the District, no person shall do any of the following:

1. Interfere with, cause damage to, or destroy any property or facility owned by the District, including without limitation, any channel, reservoir, basin, spreading ground, levee or sediment placement site, or any property in which the District has an easement or fee title;
2. Place or cause to be placed within or upon any property or facility owned by the District, including without limitation, any channel, reservoir, basin, spreading ground, levee or sediment placement site, or any property in which the District has an easement or fee title, any object or matter, including without limitation wires, fences, buildings, pads, patios, corrals or other structures, or any landscaping or gardens, refuse, rubbish, tin cans, construction debris, vegetative matter, soil, rock, or plants, that may impede, retard, or change the normal direction of the flow of any flood, storm, or other waters on or across such property or facility, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of either private or public property within or adjacent to said property or facility;
3. Place, discharge or cause to be placed or discharged within or to any property or facility owned by the District, including without limitation, any channel,

reservoir, basin, spreading ground, levee or sediment placement site, or any property in which the District has an easement or fee title, any material, either solid, liquid, or gaseous, that will impair the quality of water flowing on or across such property or facility or stored on such property or facility or within the water-bearing zones underground;

4. Place or cause to be placed within or upon any easement held by the District, any object or structure in such a location or in such a manner as to interfere with or obstruct the District's ready and easy access to or use of the easement area. Upon notification by the Chief Engineer, any such object or structure shall be immediately removed by the responsible party at no expense to the District, and shall not be replaced;

5. Place or cause to be placed any invasive species of plant, fish or animal within or upon any property or facility owned by the District, including without limitation, any channel, reservoir, basin, spreading ground, levee or sediment placement site, or any property in which the District has an easement or fee title.

B. Subsection A shall not apply to activities undertaken by District employees and contractors, peace officers and fire fighters, in the course of their official duties. Such persons shall, however, comply with the District's rules and policies regarding such activities.

19.09 Liability Limitations.

Except as expressly provided otherwise in a written permit issued by the Chief Engineer or a written agreement with the District, any person entering upon, occupying

or using any property or facility owned by the District, including without limitation, any channel, reservoir, basin, spreading ground, levee or sediment placement site, or any property in which the District has an easement or fee title, as authorized by this chapter, does so at his or her own risk without liability on the part of the District for any injury to person or property resulting therefrom.

19.11 Violation a Public Nuisance.

The violation of any regulation or provision of this chapter shall constitute a threat to public health and safety and is hereby declared and shall be deemed a public nuisance.

SECTION 2. Chapter 21 is hereby added to the Los Angeles County Flood Control District Code to read as follows:

Chapter 21

STORMWATER AND RUNOFF POLLUTION CONTROL

Sections:

21.01 Purpose and Intent.

21.03 Definitions.

21.05 Standards, Guidelines, and Criteria.

21.07 Prohibited Discharges.

21.09 Installation or Use of Illicit Connections Prohibited.

21.11 Littering Prohibited.

21.13 Evidence of Compliance With Permit Requirements for Industrial or

Commercial Activity.

21.15 Notification of Uncontrolled Discharges Required.

21.17 Requirement to Monitor and Analyze.

21.19 Conflicts With Other Code Sections.

21.21 Severability.

21.23 Violation a Public Nuisance.

21.01 Purpose and Intent.

The purpose and intent of this chapter is to regulate the stormwater and non-stormwater discharges to the facilities of the Los Angeles County Flood Control District for the protection of those facilities, the water quality of the waters in and downstream of those facilities, and the quality of the water that is being stored in water-bearing zones underground.

21.03 Definitions.

The following definitions shall apply to this Chapter 21:

- A. "Basin plan" means a water quality control plan for a specific watershed area or areas adopted by a regional board.
- B. "Best management practice ("BMP")" means stormwater and runoff pollution control practices designed to reduce the pollutants contained in discharges to a District storm drain and/or receiving waters.
- C. "Chief Engineer" shall mean the Chief Engineer of the Los Angeles County Flood Control District, or his/her authorized deputy, agent, or representative.
- D. "Clean Water Act" means the Federal Water Pollution Control Act, as amended (33 U.S.C. section 1251, et seq.).

E. "Code of Federal Regulations" means the codification of the general and permanent rules published in the Federal Register by the executive departments and agencies of the federal government of the United States.

F. "Commercial activity" means any public or private activity not defined as an industrial activity in 40 Code of Federal Regulations section 122.26(b)(14)) involving the storage, transportation, distribution, exchange or sale of goods and/or commodities or the provision of professional and/or nonprofessional services. Commercial activity does not mean a dwelling as defined in Title 26 of the Los Angeles County Code.

G. "County" means the County of Los Angeles.

H. "Discharge" means any release, spill, leak, pumping, flow, escape, dumping, or disposal of any gas, liquid, semi-solid, or solid substance.

I. "Discharger" means any person who discharges, allows a discharge or causes a discharge.

J. "District" means the Los Angeles County Flood Control District.

K. "District storm drain" means any conduit, natural or artificial drain, channel or watercourse, and/or other facility or any combination thereof, that is owned and/or operated by the District and used for the purpose of collecting, storing, transporting, and/or disposing of runoff.

L. "Hazardous material" means any material defined as hazardous by Division 20, Chapter 6.95 of the California Health and Safety Code or any substance designated pursuant to 40 Code of Federal Regulations section 302. This also includes any unlisted hazardous substance which is a solid waste, as defined in 40 Code of

Federal Regulations section 261.2, which is not excluded from regulation as a hazardous waste under 40 Code of Federal Regulations section 261.4(b), or is a hazardous substance under section 101(14) of the Clean Water Act, if it exhibits any of the characteristics identified in 40 Code of Federal Regulations sections 261.20 through 261.24.

M. "Hazardous waste" means a hazardous material which is to be discharged, discarded, recycled, and/or reprocessed.

N. "Illicit connection" means any human-made conveyance that is connected to any District storm drain without a permit issued by the Chief Engineer, excluding roof drains which convey only stormwater.

O. "Illicit discharge" means any discharge to any District storm drain that is prohibited by this Code or by any other local, State, or federal statutes, ordinances, codes, or regulations.

P. "Industrial activity" means any public or private activity which is in any of the eleven (11) categories of activities defined in 40 Code of Federal Regulations section 122.26(b)(14) and which requires a NPDES permit.

Q. "Industrial/commercial facility" means any public or private facility involved and/or used in either the production, manufacture, storage, transportation, distribution, exchange, or sale of goods and/or commodities, and any facility involved and/or used in providing professional and nonprofessional services. This category of facility includes, but is not limited to, any facility defined by either the Standard Industrial Classifications ("SIC") or the North American Industry Classification System ("NAICS").

R. "National Pollutant Discharge Elimination System ("NPDES") permit" means a permit issued by the United States Environmental Protection Agency, the State Water Resources Control Board or a California Regional Water Quality Control Board pursuant to the Clean Water Act that authorizes discharges to waters of the United States.

S. "Non-stormwater discharge" means any discharge that is not composed entirely of stormwater.

T. "North American Industry Classification System ("NAICS")" means a classification pursuant to the current edition of the United States North American Industry Classification System Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, and as the same may be periodically revised.

U. "Person" means an individual, or any legal entity including an unincorporated association, firm, partnership, public or private corporation, limited liability company, estate, trust, municipality, political subdivision, or government agency, and the heirs, successors, assigns, agents, officers, owners, majority stockholders, general partners, joint venturers, members, executors, administrators and trustees of any such person or entity.

V. "Permittee" means a person to whom a permit is issued by the Chief Engineer.

W. "Pollutant" shall have the same meaning as set forth in section 502(6) of the Clean Water Act and as incorporated into California Water Code section 13373.

Pollutants include, but are not limited to, the following:

1. Commercial and industrial waste (such as fuels, solvents, chemicals, detergents, plastic pellets, hazardous materials or substances, hazardous wastes, fertilizers, pesticides, soot, slag, ash, and sludge);
2. Metals (such as cadmium, lead, zinc, copper, silver, nickel, chromium, and arsenic) and nonmetals (such as carbon, chlorine, fluorine, phosphorous, and sulfur);
3. Petroleum hydrocarbons (such as fuels, oils, lubricants, surfactants, waste oils, solvents, coolants, and grease);
4. Eroded soils, sediment, and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora, or fauna of the State;
5. Animal wastes (such as discharges from confinement facilities, kennels, pens, recreational facilities, stables, and show facilities);
6. Substances having acidic or corrosive characteristics such as a pH of less than six or greater than nine; and
7. Substances having unusual coloration or turbidity, levels of fecal coliform, fecal streptococcus, or enterococcus, which may adversely affect any existing or potential use of receiving waters as defined in a basin plan, or the flora or fauna of the State.

X. "Porter-Cologne Act" means the Porter-Cologne Water Quality Control Act, California Water Code section 13000, et seq.

Y. "Receiving waters" means all surface water bodies within the County that are identified by a regional board in a basin plan.

Z. "Regional board" means a California Regional Water Quality Control Board.

AA. "Runoff" means any stormwater or non-stormwater discharge from any surface and/or drainage area that reaches any District storm drain.

BB. "Standard Industrial Classification ("SIC")" means a classification pursuant to the current edition of the Standard Industrial Classification Manual issued by the Executive Office of the President of the United States, Office of Management and Budget, and as the same may be periodically revised.

CC. "State board" means the State Water Resources Control Board.

DD. "Stormwater" means any water which originates from atmospheric moisture (rainfall or snowmelt) and falls onto land, water, and/or other surfaces.

EE. "Stormwater pollution prevention plan ("SWPPP")" means a plan required by and for which the contents are specified in a NPDES permit.

FF. "Uncontrolled discharge" means any discharge, intentional or accidental, occurring in such a manner that the discharger is unable to determine or regulate the quantity, quality, or effects of the discharge.

GG. "U.S. EPA" means the United States Environmental Protection Agency.

HH. "Water quality standard" means an applicable water quality standard adopted pursuant to the Clean Water Act, as amended, or an applicable water quality objective adopted pursuant to the Porter-Cologne Act.

21.05 Standards, Guidelines, and Criteria.

The Chief Engineer may establish uniform minimum standards, guidelines, and/or criteria for specific discharges, connections, and/or BMPs. The provisions of this section shall not prohibit the Chief Engineer from requiring a discharger or permittee from taking additional measures to achieve the objectives of this chapter or any permit.

21.07 Prohibited Discharges.

A. Except as expressly authorized by a written permit issued by the Chief Engineer or a written agreement with the District, no person shall place, discharge or cause to be placed or discharged any material, either solid, liquid, or gaseous, in any District storm drain, that will impair the quality of water flowing therein.

B. No person shall cause any of the following discharges to enter any District storm drain:

1. Discharges of stormwater containing pollutant concentrations that exceed or contribute to the exceedance of a water quality standard;
2. Non-stormwater discharges unless authorized by an NPDES Permit and by a permit issued by the Chief Engineer; and
3. Discharges of sanitary or septic waste or sewage from any property or residence, any type of recreational vehicle, camper, bus, boat, holding tank, portable

toilet, vacuum truck or other mobile source, or any waste holding tank, container or device.

C. Exception: Discharges associated with emergency fire fighting activities are not prohibited pursuant to this section.

21.09 Installation or Use of Illicit Connections Prohibited.

No person shall install, maintain or use any illicit connection to any District storm drain.

21.11 Littering Prohibited.

No person shall discharge or cause to be discharged pollutants, leaves, dirt, or other landscape debris into any District storm drain.

21.13 Evidence of Compliance With Permit Requirements for Industrial or Commercial Activity.

Any industrial/commercial facility required to have a NPDES permit shall retain on-site and, upon request, make immediately available to the Chief Engineer the following documents as evidence of compliance with permit requirements, as applicable:

- A. A copy of a NPDES permit or notice of intent to comply with a general permit to discharge stormwater associated with industrial activity as submitted to the state board or report of waste discharge as submitted to a regional board of jurisdiction;
- B. A waste discharge identification number issued by the state board or copy of the NPDES permit issued by a regional board;
- C. A SWPPP and a monitoring program plan or group monitoring plan;

- D. Stormwater quality data; and
- E. Evidence of facility self-inspection.

21.15 Notification of Uncontrolled Discharges Required.

A. Upon the discovery of an illicit or uncontrolled discharge to any District storm drain, the discharger or permittee shall immediately notify the Chief Engineer of the incident by telephone in addition to any other notifications to public agencies as may be required by law. The notification shall include the location of the discharge, type of materials discharged, estimated concentration and volume of the discharge, and corrective actions taken and/or to be taken to contain or minimize the effects of the discharge.

B. Within ten (10) calendar days after the first discovery of the illicit or uncontrolled discharge, the discharger or permittee shall submit to the Chief Engineer a detailed written report describing the cause of the discharge, corrective action taken, measures to be taken to prevent future occurrences, and measures taken to remediate the effects of the discharge. Such notification shall not relieve the discharger or permittee from liability or fines incurred as a result of the illicit or uncontrolled discharge.

21.17 Requirement to Monitor and Analyze.

A. When the Chief Engineer, in his or her reasonable discretion, suspects that any discharge into a District storm drain or other facility may be causing or contributing to an exceedance of a water quality standard, the Chief Engineer may require, by written notice to the person responsible for the discharge, that said person undertake at said person's expense, such monitoring and analysis, and furnish such

reports to the District as the Chief Engineer deems necessary to determine compliance with this chapter.

B. If said person fails to comply with such written notice, the Chief Engineer may perform said work. Said person shall be liable to the District for all costs (including labor, material and equipment costs) reasonably incurred by the District in performing such work. The Chief Engineer shall provide written notice of the costs incurred by the District and said person shall pay all such costs within thirty (30) days of the date of the written notice.

21.19 Conflicts With Other Code Sections.

The provisions of this chapter shall control over any inconsistent or conflicting provisions of this code.

21.21 Severability.

If any portion of this chapter or the application thereof to any person or circumstances is held invalid, the remainder of this chapter, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

21.23 Violation a Public Nuisance.

The violation of any regulation or provision of this chapter shall constitute a threat to public health and safety and is hereby declared and shall be deemed a public nuisance.

SECTION 3. Chapter 23 is hereby added to the Los Angeles County Flood Control District Code to read as follows:

Chapter 23

ENFORCEMENT AND REMEDIES FOR VIOLATIONS

Sections:

23.01 Purpose.

23.03 Definitions.

23.05 Enforcement – Chief Engineer's Powers and Duties.

23.07 Inspection to Ascertain Compliance – Access Required.

23.09 Notice of Violation.

23.11 Abatement of Illicit Discharges and Illicit Connections by District.

23.13 Administrative Fines.

23.15 Imposition of Administrative Fines.

23.17 Request for Administrative Hearing/Hardship Waiver.

23.19 Administrative Hearing Procedures.

23.21 Right to Judicial Review of Final Administrative Decision to Impose

Administrative Fines.

23.23 Creation of Lien for Unpaid Administrative Fines.

23.01 Purpose.

The purpose of this chapter is to establish alternate remedies for the Los Angeles County Flood Control District to utilize in enforcing the provisions of this code. The remedies authorized in this chapter are cumulative to any other remedy provided for in this code or the laws of the State of California, or the United States of America, and the administrative fines authorized in this chapter may be imposed in addition to any other

fine, penalty, fee, charge, notice of violation, or any other remedy provided for in this code or the laws of the State of California, or the United States of America, so long as the cumulative application of such available remedies would not violate any applicable law.

23.03 Definitions.

The definitions set forth in Section 21.03 of Chapter 21 of this code shall apply to this Chapter 23. In addition, the following definitions shall apply to this Chapter 23:

A. "Code" means the Flood Control District Code of the Los Angeles County Flood Control District, specifically including, without limitation, Chapters 19, 21, and this Chapter 23.

B. "Correction period" means the period of time specified in a notice of violation within which the responsible person(s) must correct or otherwise remedy a continuing violation, or be subject to the issuance of a notice of administrative fine.

C. "Enforcement officer" means any employee or agent of the Department of Public Works of the County of Los Angeles authorized by the Chief Engineer to enforce any provision of this code.

D. "Hearing officer" means the person appointed by the Chief Engineer to conduct the administrative hearings provided for in this chapter. The hearing officer shall not be the enforcement officer that issued the notice of administrative fine that is the subject of the administrative hearing or the immediate supervisor of that enforcement officer.

E. "Responsible person" means a person responsible for or alleged to be responsible for a violation of this code. There may be more than one responsible person for a violation. A responsible person may include any of the following:

1. A person who causes or materially contributes to the causation of the violation;
2. A person who maintains or allows the violation to continue by his or her action or inaction;
3. A person whose agent, employee, or independent contractor causes or materially contributes to the causation of the violation;
4. For violations pertaining to conditions of real property, a person who owns the real property, or any lessee or sublessee of the real property that has a current right to possess the real property; and
5. An on-site manager of a business premises who is responsible for the activities at the premises.

23.05 Enforcement – Chief Engineer's Powers and Duties.

The Chief Engineer shall have primary responsibility for the enforcement of the regulations in this code. The Chief Engineer may enter into agreements with other departments for the purpose of implementing this chapter.

23.07 Inspection to Ascertain Compliance – Access Required.

A. The Chief Engineer may inspect, in any manner consistent with State law, as often as he/she deems necessary, any publicly or privately owned storm drain, storm drain connection, street, gutter, yard, plant, storage facility, building, or other facility, and

any BMP, NPDES permit, SWPPP, or stormwater management plan, as necessary to ascertain whether any provision of this code, any agreement with the District, or of any authorization, approval or permit issued by the District pursuant to this chapter, has been violated.

B. In the course of such inspection, the Chief Engineer may, in any manner consistent with State law:

1. Inspect, sample, and make flow measurements of any runoff, discharge or threatened discharge to any District storm drain;
2. Place on the premises devices for runoff or discharge sampling, monitoring, flow measuring or metering;
3. Inspect, copy, or examine any records, reports, plans, test results or other information required to carry out the provisions of this chapter, to the extent allowed by law; and
4. Photograph any materials, storage areas, waste, waste containers, BMP, vehicle, connection, discharge, runoff and/or violation discovered during an inspection.

23.09 Notice of Violation.

A. Whenever an enforcement officer determines that a violation of a provision of this code has occurred, the enforcement officer is authorized to issue a notice of violation to the responsible person(s).

B. When the violation constitutes a continuing violation, the notice of violation may include an order to abate or correct the violation within a specified correction

period. When the violation constitutes a continuing violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, that does not, in the reasonable judgment of the enforcement officer, create an immediate danger to health or safety, the correction period shall not be less than thirty (30) days.

C. The enforcement officer may, in his or her discretion, grant a reasonable extension of any correction period specified in a notice of violation, if, in his or her judgment, an extension is warranted.

D. Each separate day, or any portion thereof, during which any violation of this code occurs or continues constitutes a separate violation.

23.11 Abatement of Illicit Discharges and Illicit Connections and Other Encroachments.

A. When a notice of violation includes an order to abate an illicit discharge or an illicit connection, obstruction or other encroachment to a District storm drain or other facility, the responsible person shall obtain a permit from the District, in accordance with Section 19.05, prior to commencing any abatement work. The responsible person shall be liable to the District for all costs (including labor, material and equipment costs) reasonably incurred by the District for engineering and plan review and inspections in connection with any abatement or corrective work performed by the responsible person. The responsible person shall also be liable to the District for all costs (including labor, material and equipment costs) reasonably incurred by the District in connection with identifying, responding to or mitigating the discharge prior to abatement or correction by the responsible person.

B. If the responsible person fails to abate or correct the violation within the specified correction period or any extension thereof granted by the enforcement officer, the Chief Engineer may perform any work that the Chief Engineer determines is necessary to abate or correct the violation. The responsible person shall be liable to the District for all costs (including labor, material and equipment costs) reasonably incurred by the District in performing such work. The responsible person shall also be liable to the District for all costs (including labor, material and equipment costs) reasonably incurred by the District in connection with identifying, responding to or mitigating the discharge prior to abatement or correction by the District.

C. The Chief Engineer shall provide written notice of the costs incurred by the District to the responsible person and the responsible person shall pay all such costs within thirty (30) days of the date of the written notice.

23.13 Administrative Fines.

A. Each violation of any provision of this code shall be subject to an administrative fine, as provided for in this chapter.

B. The amount of the administrative fine shall be determined by the enforcement officer based on the nature and extent of the violation, and the particular circumstances of the responsible person(s), provided, however, that the amount of the administrative fine for any separate violation shall not exceed one thousand dollars (\$1,000). Where an administrative fine is imposed for multiple violations, the cumulative amount may exceed one thousand dollars (\$1,000).

23.15 Imposition of Administrative Fines.

A. Except as provided in subsection B below, the enforcement officer is authorized to issue a notice of administrative fine for each violation of this code to the responsible person(s).

B. When the violation constitutes a continuing violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues, that does not, in the reasonable judgment of the enforcement officer, create an immediate danger to health or safety, the enforcement officer shall not issue a notice of administrative fine prior to the expiration of the correction period or such extensions of the correction period as may have been granted by the enforcement officer. In such cases, if the violation has not been corrected, or otherwise remedied, prior to the expiration of the correction period or any extensions thereof, the enforcement officer may issue a notice of administrative fine to the responsible person(s).

C. Each notice of administrative fine shall contain the following information:

1. A statement that an administrative fine is being imposed on the responsible person(s) pursuant to this chapter;
2. The name of the responsible person(s);
3. The code section violated;
4. The address or location where the violation occurred (for violations pertaining to the condition of real property);
5. A description of the violation;
6. The name of the issuing enforcement officer;

7. The amount of the fine for the violation and the procedure to pay the fine; and

8. The procedures for requesting an administrative hearing to contest the imposition of the administrative fine and for requesting a hardship waiver, pursuant to Section 23.17.

D. Unless a responsible person requests an administrative hearing to contest the imposition of the administrative fine pursuant to Section 23.17, the notice of administrative fine shall constitute the final administrative order of the District with respect to said administrative fine, and the fine shall be due and payable by the responsible person(s) to the Chief Engineer within ten (10) calendar days following service of the notice of administrative fine.

E. The enforcement officer shall serve a notice of administrative fine by either of the following methods:

1. By personal delivery to the responsible person(s); or

2. By first class mail, postage prepaid to the responsible person(s) at the address shown on the County's last equalized property tax assessment rolls (if any), and the last known address of the responsible person(s) (if any), and where the underlying violation pertains to the condition of real property, by posting the notice in a conspicuous place on the real property.

3. Service under paragraph 1, above, shall be deemed effective at the time of personal delivery. Service under paragraph 2, above, shall be deemed effective five (5) calendar days following the date of mailing or, where the underlying violation

pertains to the condition of real property, five (5) calendar days following the later of either the date of mailing or the date of posting.

F. Payment of an administrative fine shall not excuse the responsible person(s) from correcting the violation when required by the enforcement officer. The issuance of a notice of administrative fine and/or payment thereof does not preclude the enforcement officer from taking any other enforcement action in response to a violation, including, but not limited to, making referrals to the County Counsel for the filing of a civil enforcement action.

23.17 Request for Administrative Hearing/Hardship Waiver.

A. Any responsible person served with a notice of administrative fine may request an administrative hearing before a hearing officer to contest the imposition and/or the amount of the administrative fine. The request must be made in writing and be filed with the Chief Engineer within ten (10) calendar days following service of the notice of administrative fine, and shall include a statement indicating the basis on which the responsible person(s) contests the imposition of the administrative fine, together with any evidence that the responsible person(s) want(s) the hearing officer to consider. The request shall also include the address of the responsible person(s) for the purpose of correspondence by the Chief Engineer and/or hearing officer.

B. The written request for administrative hearing must be accompanied by a deposit equal to the full amount of the administrative fine as specified in the notice of administrative fine unless the responsible person(s) request(s) a hardship waiver pursuant to subsection C below. If no such waiver is requested, failure to deposit the

amount of the fine concurrently with the request for administrative hearing shall constitute a waiver of the responsible person's entitlement to the administrative hearing. The hearing request and fine deposit shall be deemed filed on the date received by the Chief Engineer.

C. A responsible person who requests an administrative hearing may also request a hardship waiver of the requirement to deposit the amount of the administrative fine prior to the administrative hearing. A hardship waiver request must be made in writing and filed with the Chief Engineer and must be accompanied by a sworn affidavit, together with supporting documents or materials, demonstrating the responsible person's financial inability to deposit the amount of the administrative fine. A hardship waiver request must be filed at the same time as the timely request for an administrative hearing.

D. The Chief Engineer shall review any hardship waiver request and determine, in his or her sole discretion, whether or not to grant any such request and shall provide written notice by first class mail, postage prepaid, of his or her determination to the responsible person(s) at the address contained in the request for administrative hearing. If a request for hardship waiver is granted, the responsible person(s) shall not be required to deposit the amount of the fine prior to the administrative hearing. The granting of a hardship waiver shall not excuse the payment of the administrative fine upon a final determination that it is owed. If a request for hardship waiver is denied, the responsible person(s) shall deposit the amount of the administrative fine with the Chief Engineer within ten (10) calendar days following the

date of the notice of the Chief Engineer's determination. Failure to make a timely deposit following the Chief Engineer's denial of a hardship waiver request shall constitute a waiver of the responsible person's entitlement to an administrative hearing.

E. After receiving a timely hearing request and deposit or having acted on a timely request for a hardship waiver, pursuant to subsection D of this section, with respect to such deposit, the Chief Engineer shall schedule an administrative hearing. The responsible person(s) shall be given not less than ten (10) calendar days prior written notice by first class mail, postage prepaid, of the date, time, and place of the administrative hearing and the name of the hearing officer who will conduct the administrative hearing.

23.19 Administrative Hearing Procedures.

A. Hearings shall be conducted by the hearing officer on the date, time, and place specified in the notice provided for in Section 23.17. The hearing officer may, in his or her discretion, grant a continuance of the hearing date upon a request and a showing of good cause by the responsible person(s) or enforcement officer. The request must be made in writing and be received by the hearing officer at least two (2) business days prior to the hearing date. A copy of the continuance request must also be hand delivered to the enforcement officer if made by the responsible person(s), and to the responsible person(s) if made by the enforcement officer.

B. At the hearing, the responsible person(s) shall have the opportunity to present evidence relevant to the hearing officer's determination of the matter. The failure of the responsible person(s) to appear at the administrative hearing shall

constitute an abandonment of the hearing request and a failure to exhaust administrative remedies necessary to judicially challenge the imposition of the administrative fine. If the administrative hearing is abandoned, the Chief Engineer shall keep the funds deposited with the hearing request, unless a hardship waiver was granted, in which case the administrative fine shall be due and payable by the responsible person(s) to the Chief Engineer within ten (10) calendar days following the date that had been set for the administrative hearing.

C. The notice of violation, notice of administrative fine, and any other reports prepared by or for the enforcement officer concerning the code violation, shall be accepted by the hearing officer as prima facie evidence of the code violation and the facts stated in those documents. The enforcement officer may attend the hearing, but is not required to do so. Once begun, the hearing officer may continue the hearing from time to time, in his or her sole discretion, to allow for the orderly completion thereof.

D. After receiving all of the evidence submitted at the hearing, the hearing officer may further continue the hearing and request additional information from either the enforcement officer or the responsible person(s), or may close the hearing.

E. After considering all the evidence and testimony submitted at the hearing and within ten (10) calendar days after the close of the hearing, the hearing officer shall issue a written decision to either confirm or cancel the administrative fine or to reduce the amount of the administrative fine. The written decision shall include a statement of the reasons for the decision. The written decision shall be served by first-class mail,

postage prepaid on the responsible person(s) and the enforcement officer. The hearing officer's written decision shall constitute the final administrative decision of the District.

F. If the hearing officer confirms the imposition of the full amount of the administrative fine, the Chief Engineer shall keep the funds deposited with the hearing request, unless a hardship waiver was granted. If a hardship waiver was granted, the responsible person(s) shall pay the administrative fine to the Chief Engineer within twenty (20) calendar days following the date of the hearing officer's written decision.

G. If the hearing officer reduces the administrative fine, the Chief Engineer shall refund the appropriate amount of the funds deposited with the hearing request to the responsible person(s) within twenty (20) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case the responsible person(s) shall pay the reduced amount(s) to the Chief Engineer within twenty (20) calendar days following the date of the hearing officer's written decision.

H. If the hearing officer cancels the administrative fine, the Chief Engineer shall refund the entire amount of the funds deposited with the hearing request to the responsible person(s) within twenty (20) calendar days from the date of the written decision, unless a hardship waiver was granted, in which case no further action is necessary.

23.21 Right to Judicial Review of Final Administrative Decision to Impose Administrative Fines.

A. A responsible person(s) may seek judicial review of the hearing officer's written decision pertaining to the imposition of an administrative fine by filing an appeal

with the Superior Court in accordance with the time periods, procedures, and other requirements set forth in section 53069.4 of the California Government Code.

B. If no appeal of the hearing officer's written decision is filed within the time period set forth in section 53069.4 of the California Government Code, the hearing officer's decision shall be deemed confirmed.

23.23 Creation of Lien for Unpaid Administrative Fines.

A. In addition to any other remedy provided by law, if an administrative fine is not paid within the time period provided for in this chapter, and the underlying violation pertains to the condition of real property owned in whole or in part by the responsible person(s), the amount of the unpaid administrative fine shall become a lien on that real property and the Chief Engineer may enforce and collect the unpaid administrative fine by recording a notice of lien against that real property in the office of the Registrar-Recorder/County Clerk.

B. When a notice of lien has been recorded, and the full amount of the corresponding administrative fine is subsequently paid to the Chief Engineer, the Chief Engineer shall promptly record a notice of satisfaction of lien. Upon recordation of the notice of satisfaction of lien, the lien shall be cancelled.

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